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9 **WASHINGTON MUTUAL BANK**

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 ACTUATE CORPORATION, a Delaware
12 corporation,

13 Plaintiff,

14 vs.

15 WASHINGTON MUTUAL BANK, a
16 Washington corporation,

17 Defendant.

Case No. CV 08-2918 SI

**STIPULATION TO EXTEND TIME TO
FILE RESPONSE TO COMPLAINT**

Judge: Hon. Susan Illston

Case No. CV 08-2918 SI
STIPULATION TO EXTEND TIME TO FILE RESPONSE
TO COMPLAINT

DM_US:21357424_1

1 Pursuant to Local Rule 6-1(a), it is hereby stipulated by and between Plaintiff Actuate
2 Corporation and Defendant Washington Mutual Bank, through their respective counsel, that the
3 response of Washington Mutual Bank to Plaintiff's Complaint, currently due on or before
4 July 24, 2008, shall be extended to August 7, 2008.

5 The parties have previously agreed to one two-week extension of Washington Mutual Bank's
6 time to respond to the Complaint.

7 IT IS SO STIPULATED.

8 Dated: July 22, 2008

BERGESON, LLP

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10 By: /s/ Daniel J. Bergeson

Daniel J. Bergeson
Attorneys for Plaintiff
ACTUATE CORPORATION

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14 Dated: July 22, 2008

HOWREY LLP

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16 By: /s/ Benjamin K. Riley

Benjamin K. Riley
Attorneys for Defendant
WASHINGTON MUTUAL BANK

CERTIFICATION BY BENJAMIN K. RILEY PURSUANT TO GENERAL RULE NO. 45,

SECTION X. RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES

1. I am an attorney licensed to practice law in the State of California, and am a partner with the law firm of Howrey LLP, counsel for Defendant Washington Mutual Bank. The statements herein are made on my personal knowledge, and if called as a witness I could and would testify thereto.

2. The above e-filed document contains multiple signatures. I declare that concurrence has been obtained from each of the other signatories to file this jointly prepared document with the Court. Pursuant to General Rule No. 45, I shall maintain records to support this concurrence for subsequent production for the Court if so ordered, or for inspection upon request by a party until one year after final resolution of the action (including appeal, if any).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct on July 22, 2008.

/s/ Benjamin K. Riley
Benjamin K. Riley